

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER C. BENEDITH,
Plaintiff,

v.

CASE WESTERN RESERVE
UNIVERSITY, et al.,
Defendants.

Case No. 17-cv-06276-JST

ORDER TO SHOW CAUSE

Plaintiff Peter C. Benedith's complaint was filed on October 30, 2017. ECF No. 1. Although Defendant Case Western Reserve University has appeared and filed a motion to dismiss, ECF No. 15, Defendants Cuyahoga County, MetroHealth Medical Center, and Department of Medicine MetroHealth Medical Center, have not appeared. It appears that the reason for their absence is that they were never properly served.

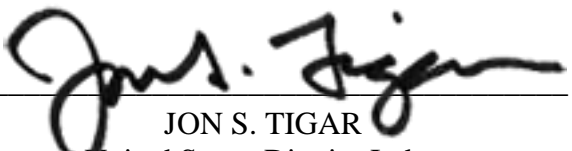
Summons was issued against these Defendants on November 7, 2017. ECF No. 7. On December 12, 2017, Plaintiff filed a "Proof of Service," which indicated that he mailed the summons and complaint to the "writ department of Cuyahoga County OH Sheriff office," requesting personal service on these Defendants, but there is no indication that personal service was made. ECF No. 14. Indeed, there is a blank next to "Server's signature" and "Date" on the proof of service. Id. On another, separately filed "Proof of Service," Peter C. Benedith's name appears next to server's signature and name, but Plaintiff cannot personally serve his own complaint, nor is there an adequate description of personal service. ECF No. 21. The Court concludes that Plaintiff has not properly served the complaint against these Defendants. Fed. R. Civ. P. 4(m).

As more than ninety days have passed since the complaint was filed, the Plaintiff must

1 either serve his complaint and file a proof of service by February 15, 2018, or show cause in
2 writing by that date why his case should not be dismissed without prejudice for failure to serve his
3 complaint timely as required by Rule 4(m). An order to show cause hearing is set for February 22,
4 2018. Plaintiff is instructed to appear. If Plaintiff does not show cause or properly serve, the case
5 against Defendants Cuyahoga County, MetroHealth Medical Center, and Department of Medicine
6 MetroHealth Medical Center will be dismissed without prejudice.

7 **IT IS SO ORDERED.**

8 Dated: January 31, 2018

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10 JON S. TIGAR
11 United States District Judge
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